

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHALMERS A. SIMPSON	:	CIVIL ACTION
	:	
v.	:	
	:	
WALMART SUPERSTORE, ET AL.	:	NO. 09-6144

ORDER

AND NOW, this 5th day of August, 2010, upon consideration of Plaintiff's "Motion to Proceed with Action and Pay Filing Fees" (Docket No. 4) and "Motion to Commence Action on New Complaint" (Docket No. 5), **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's "Motion to Proceed with Action and Pay Filing Fees" (Docket No. 4) is **GRANTED**. Plaintiff may proceed with this action *in forma pauperis*.
2. The Clerk shall restore this case to the active docket.
3. Plaintiff's "Motion to Commence Action on New Complaint" (Docket No. 5) is **DENIED**.
4. This Action is **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. § 1915(e)(2) and 28 U.S.C. § 1915A(b)(1).

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.